ORIGINAL

STATE OF ILLINOIS ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT NO. 1146

T06-0006

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), Wayne County ("County") Big Mound Township Road District ("Township"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the CH 10 (1400E) and the TR 702 (1380E) highway-rail grade crossings of the Company's track near Boyleston, Wayne County, Illinois, designated as crossings AAR/DOT #724 728Y, railroad milepost 112.80-A and AAR/DOT #724 729F, railroad milepost 112.60-A, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossings by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossings have been obtained and shown on Exhibit A-1 and Exhibit A-2, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossings upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

<u>Section 1</u> All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

<u>Section 2</u> The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be as follows:

DOCKETED

<u>CH 10 (1400E)</u> (AAR/DOT #724 728Y)

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder by the Company.
- (b) Installation of temporary STOP signs at the CH 10 (1400E) crossing, within 30 days of receipt of a Commission Order, by the Company.
- (c) Reconstruction of the existing highway approaches, to comply with the minimum requirements of 92 III. Adm. Code 1535.204, and as depicted on the proposed plan (Exhibit C) by the Township.

TR 702 (1380E) (AAR/DOT #724 729F)

- (a) Vacation of the TR 702 (1380E) roadway adjacent to the existing TR 702 (1380E) highway-rail grade crossing of the Company's track by Big Mound Township, contingent on the installation of new automatic warning devices at the CH 10 (1400E) crossing, by the Township.
- (b) Installation of temporary STOP signs at the TR 702 (1380E) crossing, within 30 days of receipt of a Commission Order, by the Company.
- (c) Installation of temporary Type-III barricades conforming to the requirements of 92 Illinois Administrative Code 1535.701 and the Manual on Uniform Traffic Control Devices (MUTCD) at the TR 702 (1380E) crossing by the Township.
- (d) Installation of "Road Closed Ahead" signs on the north and south highway approaches to the TR 702 (1380E) highway-rail grade crossing by the Township.
- (e) Removal of the existing grade crossing surface and Crossbuck warning signs at the existing TR 702 (1380E) highway-rail grade crossing by the Company.
- (f) Installation of permanent barricades conforming to the requirements of 92 III. Adm. Code 1535.701 and the MUTCD by the Township.
- (g) Payment as detailed *infra* from the GCPF to Big Mound Township for voluntary closure of the TR 702 (1380E) highway-rail grade crossing by IDOT.

<u>Section 3</u> A Commission Order will be issued, subsequent to execution of this Agreement, authorizing the work outlined in Section 2.

The Company shall install temporary STOP signs at the CH 10 (1400E) and TR 703 (1380E) crossings within thirty (30) days from receipt of a Commission Order issued subsequent to this Order. The Company will be responsible for all costs associated with

installation and maintenance of the temporary STOP signs. The STOP signs shall remain in place at the CH 10 (1400E) crossing until the automatic flashing light signal and gates are installed and operational. The STOP signs shall remain in place at the TR 702 (1380E) crossing until the Township has installed temporary barricades; the STOP signs may be removed when the Company removes the crossing surface and Crossbuck warning signs.

The Company and the County shall provide all parties with written notice that the automatic flashing light signal and gate installation and the highway approach reconstruction work on CH 10 (1400E) has been completed within five (5) days of their respective completion. Notice may be provided by regular mail, electronic mail, or facsimile.

Within three (3) business days from the date notice has been received from the Company and the County that both parties have completed the work on CH 10 (1400E), the Township shall erect temporary barricades and "Road Closed Ahead" signs at the TR 702 (1380E) crossing, as specified in Section 2 above. This work shall be coordinated with the Company, so that the existing grade crossing surface, Crossbuck warning signs, and the temporary STOP signs can be removed at the same time. All barricades and warning signs are to be maintained by the Township.

Within fifteen (15) business days after the Company removes the crossing surface and warning signs, the Township shall install permanent barricades, conforming to the requirements of 92 Ill. Adm. Code 1535.701 and the MUTCD as specified in Section 2 above, at the Company's R.O.W. line. Prior to the Township's installation of the permanent barricades, the Company shall identify its right-of-way (ROW) limits at the TR 702 (1380E) crossing. Following completion of this work, the Township shall submit written notice to all parties. Notice may be submitted by regular mail, electronic mail, or facsimile. The permanent barricades are to be maintained by the Township.

Section 4 The Company and the County have each prepared a preliminary detailed estimate of cost and a general layout plan to accomplish the proposed improvements, which they may be required to perform. The County has submitted a copy of the detailed plans and estimates for the proposed approach improvements to the Department's District 9 office for approval. Execution of the Agreement by the Department will be considered as its acceptance and approval of plans, estimates, and required specifications for the approach reconstruction. Attached hereto, Exhibits B (from Company) and C (from County), are the plans and estimates for this project. The Department will review the County's plans, and if they are subsequently revised as a result of that review, new plans and estimates will be sent out to all parties. No Commission Order will be issued until all parties are in agreement with the project plans.

The Company, the County, and the Township, shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be, from the date of a Commission Order subsequent to this Agreement, twelve (12) months for installation of the automatic flashing light signals and gates at the CH 10 (1400E) crossing, and thirteen (13) months for vacation of the TR 702

(1380E) roadway and installation of permanent barricades adjacent to the TR 702 (1380E) crossing.

Within fifteen (15) business days of receipt of the Company's notice that removal of the crossing surface and warning devices has been completed, the Township shall install permanent barricades conforming to the requirements of 92 III. Adm. Code 1535.701 and the MUTCD as specified in Section 2 above.

<u>Section 5</u> The parties agree that an equitable division of cost for the proposed improvements should be as follows:

- COST DIVISION TABLE -

C.H. 10 (1400E) (AAR/DOT #724 728Y)

IMPROVEMENT	EST. COST	GCPF	COUNTY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled		(95%)			
by CWT Circuitry.	\$233,300	\$221,635 ¹	\$0	Remainder ²	\$0
Install temporary STOP Signs within 30 days of receipt of a Commission Order.	No Estimate Reguired	\$0	\$0	100% ³	\$0
Reconstruct Existing	•	(50%)	,		, .
Highway Approaches.	\$23,711	\$11,856⁴	Remainder⁴	\$0	\$0
TOTALS	\$257,011	\$233,491	\$11,855		\$0

[Totals do not reflect costs where no estimates were provided.]

TR 702 (1380E) (AAR/DOT # 724 729F)

		1	T		
IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install temporary STOP					
Signs within 30 days of	No				
receipt of a Commission	Estimate				
Order.	Required	0%	0%	100%10	0%
Vacate TR 702 (1380E)					
by Local Ordinance;					
erect Temporary					
Barricades at the TR	No				
702 (1380E) grade	Estimate				
crossing.	Required	\$0	100% ⁶	\$0	\$0
Remove existing surface					
and warning devices at	No				
the TR 702 (1380E)	Estimate				
grade crossing.	Required	\$0	\$0	100%	\$0
Install permanent					
Barricades at the TR					
702 (1380E) grade					
crossing and Road	No				
Closed Ahead signs or	Estimate				
similar.	Required	\$0	100% ⁸	\$0 ⁷	\$0
Provide GCPF					
Incentive Payment for					
Voluntary Closure of					
the TR 702 (1380E)		(100%)			
grade crossing	\$50,000	\$50,000 ⁵	\$0	\$0	\$0 ⁹
TOTALS	\$50,000	\$50,000	\$	\$	\$

[Totals do not reflect costs where no estimates were provided.]

Notes:

Total GCPF assistance for the installation of automatic warning devices at the CH 10 (1400E) crossing shall not to exceed \$221,635; any installation costs above the estimated amount of \$233,300 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

Company responsible for all future operating and maintenance costs associated with the new

automatic warning devices at the CH 10 (1400E) crossing.

³ Company responsible for all future maintenance costs associated with the temporary STOP signs

installed at the CH 10 (1400E) crossing.

⁴ Total GCPF assistance for roadway improvements at the CH 10 (1400E) crossing not to exceed \$11,856, even if the total cost of construction exceeds the estimated amount (GCPF assistance will be the lesser amount of either 50% of the total cost of approach reconstruction or \$11,856); County responsible for all roadway improvement costs not paid for by the GCPF.

Total GCPF payment to the Township for voluntary closure of the TR 702 (1380E) crossing not to

exceed \$50,000.

⁶ The Township shall be responsible for all costs associated with erecting and maintaining temporary barricades to prevent vehicular access to the TR 702 (1380E) highway-rail grade crossing.

⁷ The Company shall identify its right of way (ROW) limits at the TR 702 (1380E) grade crossing for the

Township prior to the installation of the permanent barricades.

⁸ The Township responsible for all costs associated with installing and maintaining the permanent

barricades and the Road Closed Ahead signs.

The Department shall issue a payment of \$50,000 from the GCPF to the Township within sixty (60) days from the date it receives notice from the Township that permanent barricades have been installed at the TR 702 (1380E) crossing.

¹⁰Company responsible for all future maintenance costs associated with the temporary STOP signs at

the TR 702 (1380E) crossing.

Section 6 The County and Township are financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit D (County) and Exhibit D-1 (Township). The County and Township shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: The Township shall submit a certified copy of the local vacation ordinance to all parties, as evidence that the roadway has been vacated. The Township shall submit the vacation ordinance to all parties at the same time as the Execution Page of this Agreement is submitted to the Commission. The ordinance must stipulate that vacation of the TR 702 (1380E) roadway will not take place until:

- 1. The Commission Order authorizing an incentive payment from the GCPF for closure of the TR 702 (1380E) highway-rail grade crossing has been issued.
- 2. The automatic flashing light signals and gates are installed at the CH 10 (1400E) crossing.

The Township shall not close the TR 702 (1380E) crossing until it receives written notice from the Company and the County that all work outlined in Section 2 above, including highway approach reconstruction and installation of automatic flashing light signals and gates for the CH 10 (1400E) crossing, is completed. Notice may be submitted by regular

mail, electronic mail, or facsimile.

Within sixty (60) days from receipt of notice from the Township that permanent barricades have been installed at the TR 702 (1380E) crossing, the Department shall issue a payment of \$50,000 from the GCPF to Big Mound Township for voluntary closure of the TR 702 (1380E) crossing. The Department shall notify all parties when the payment has been completed. Notification may be in writing by regular mail, electronic mail, or facsimile, or by phone. The Township may use the GCPF payment for any purpose that meets IDOT's requirements for permissible uses of Motor Fuel Tax Funds.

The Company and the County (on behalf of the Township) shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E and E-1, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and the County shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibits E (Company), and E-1 (County on behalf of the Township), regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company, County, and the County Project Manager.

All bills for roadway work specified in Section 2 authorized for reimbursement from the GCPF for the highway approach reconstruction shall be submitted to IDOT's District 9 Office, P.O. Box 100, Carbondale, Illinois 62903, ATTN Dennis Hillebrenner, Engineer of Local Roads and Streets. All other bills for expenditures authorized for reimbursement from the GCPF shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Room 205, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764.

The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The Department shall not obligate any funds for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, facsimile, or phone.

<u>SECTION 8</u> Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, the Company and County shall provide sufficient documentation for all bills. The <u>minimum</u> documentation requirements are:

- a) <u>Labor Charges (including additives)</u> Copies of employee work hours charged to the railroad (Company) or highway (County) account code for the project.
- b) <u>Equipment Rental</u> Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad or highway account code for the project.
- c) <u>Material</u> An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) <u>Engineering</u> Copies of employee work hours charged to the railroad or highway account code for the project.
- e) <u>Supervision</u> Copies of employee work hours charged to the railroad or highway account code for the project.
- f) <u>Incidental Charges</u> An itemized list of all incidental charges along with a written explanation of those charges.
- g) <u>Service Dates</u> Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) <u>Final or Progressive</u> Each invoice shall be marked as a Progressive or a Final Invoice.
- i) <u>Reference Numbers</u> Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) <u>Locations</u> Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 9th day of December 2005.

Michael E. Stead

Rail Safety Program Administrator

Attest:

Richard A. Daniels

Rail Safety Specialist

Executed by the County this 15TH day of DECEMBER 2005.

WAYNE COUNTY

By: <u>Wernell Stephenson</u> DARRELL STEPHENSON COUNTY BOARD CHAIRMAN

Attest:

DONNA ENDSLEY COUNTY CLERK DEC 2 0 2005

Illinois Commerce Commission RAIL SAFETY SECTION

Executed by the STATE this
day of
STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION 12/21/05
Timothy W. Martin, Secretary Illinois Department of Transportation

Executed by the Township this 2nd day of January 2006

BIG MOUND TOWNSHIP

By: Cacalegy Sempon

Attest:

Township

Clerk

Executed by the Company this 13th day of January 2006.

NORFOLK SOUTHERN RAILWAY COMPANY

 u_{k_L}

By: SRComptack

Attest:

73313201 Corporate Secretary

ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

GENERAL INFORMATION: See Location Sketch

RAILROAD Norfolk Southern Railway Company			
USDOT#, MILEPOST 724 728Y/mp 112.80-A			
STREET, CITY, COUNTY County Highway (C.H.) 10/1400E Road			
JURISDICTION (RDWY) Wayne County			
LOCATION Rural			
STREET SURFACE	Oil and chip, 18 ft., good condition		

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
North (main)	Timber and Asphalt	24 ft.	Good
South (siding)	Timber and Asphalt	24 ft.	Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction
	Within 250 feet None
TRAFFIC CONTROL	List any devices on the main or intersecting roadways- None
ADT & SPEED	225 Vehicles Per Day @ 55 MPH (13 %Trucks)
TRAFFIC TYPE	Passenger, Possible School Busses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	None (oil and chip

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	21 Per day @ 50 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	crossbucks

There is a switch about 200 ft. east of road, and also wayside signals east of road. **NOTES:**

VISIBILITY STUDY: See Location Sketch

Train Speed	50	MPH	
Roadway Speed	55	MPH	
Required Stopping Sight Distance (SSD)	ar and the state of		
Along Roadway	520	FEET	
Along Tracks	540	FEET	
Required Clearing Sight Distance (CSD)	1200	FEET	
(Along Tracks)			

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	ok	N/A	25	Trees, house
NW	ok	N/A	25	Barn, trees
SE	ok	N/A	25	Trees, crops
SW	ok	N/A	25	trees

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

DI	RECTION/NORT	NORTH I		IRECTION/SOUTH	
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.03	4.0	25	98.89	4.0
50	98.16	3.2	50	97.12	7.2

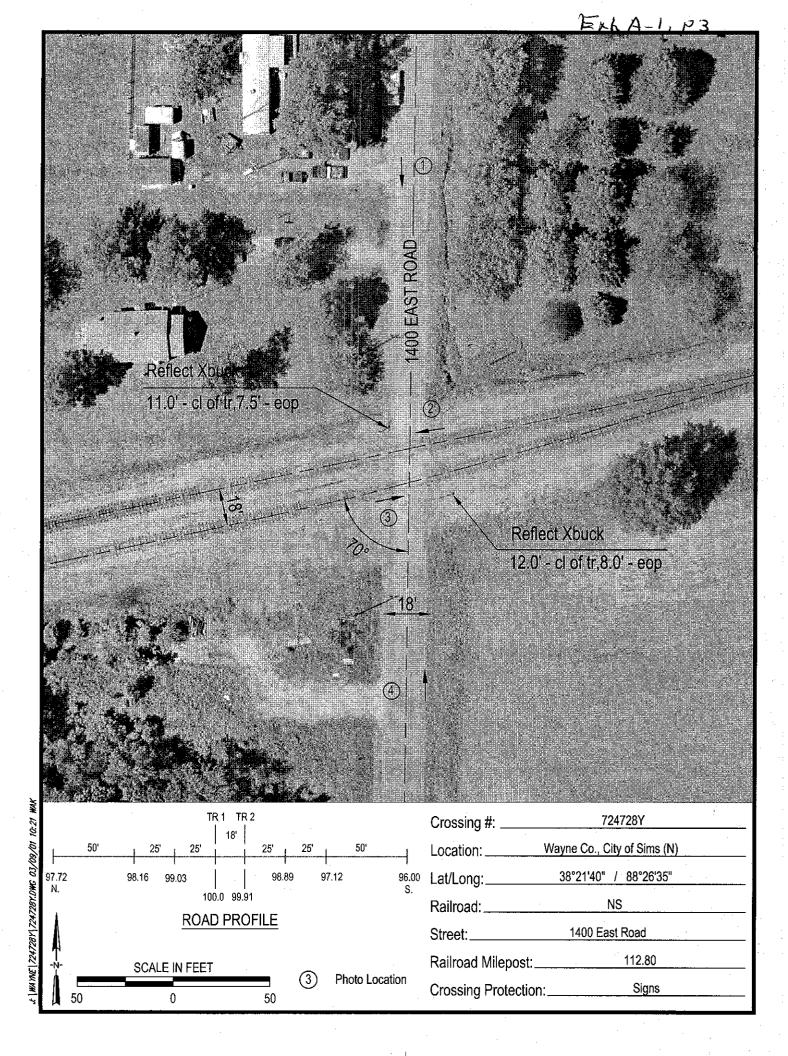
Distance measured from outermost rail.

COMMENTS:

Norfolk Southern Railway's detailed estimate for new automatic warning devices is \$233,300; the Township's estimate for highway approach improvements is \$23,711.

Because of financial hardship of Wayne County, staff recommends the Grade Crossing Protection Fund (GCPF) pay 95% of the installation costs and the railroad pay the remainder of the installation costs, as well as all future operating and maintenance costs, for the new automatic warning devices. In addition, staff recommends the GCPF pay for one half (50%) of the highway approach reconstruction costs. The County should pay the remaining reconstruction costs, as well as all future operating and maintenance costs for the highway approaches.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



ILLINOIS COMMERCE COMMISSION STIPULATED AGREEMENT CROSSING DATA FORM

GENERAL INFORMATION: See Location Sketch

RAILROAD Norfolk Southern Railway Company			
USDOT#, MILEPOST	724 729F/mp 112.60-A		
STREET, CITY, COUNTY	TR 702/1380E Road		
JURISDICTION (RDWY)	Big Mound Township, Wayne County		
LOCATION	Rural		
STREET SURFACE	Oil and chip, 12 ft., not good condition		

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
North (main)	Timber and Asphalt	16 ft.	Not Good
South (siding)	Timber and Asphalt	16 ft.	Not Good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction			
	Within 250 feet-North of track TR701@130', South of track 730N@160'			
TRAFFIC CONTROL	List any devices on the main or intersecting roadways- None			
ADT & SPEED	59 Vehicles Per Day @ 30-55mph			
TRAFFIC TYPE	Passenger, Possible School Busses, Hazardous Materials, Other			
ADVANCE WARNING	Yes			
PAVEMENT MARKING	None (oil and chip			

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	21 Per day @ 50 MPH, Day & Night			
PASSENGER TRAFFIC	none			
WARNING DEVICES	crossbucks			

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	50	MPH
Roadway Speed	Estimated 30mph	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	222	FEET
Along Tracks	494	FEET
Required Clearing Sight Distance (CSD)	1200	FEET
(Along Tracks)		

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE		N/A	30	trees
NW		N/A	30	trees
SE		N/A	30	trees
SW		N/A	30	trees

APPROACH GRADES: See Location Sketch

DIRECTION/NORTH			DIRECTION/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.18	3.3	25	98.69	5.2
50	98.83	1.6	50	96.31	9.6

Distance measured from outermost rail.

COMMENTS:

Big Mound Township has applied for GCPF incentive money (\$50,000) for closure of this crossing. Norfolk Southern Railway Company has also offered \$25,000 as incentive to the Township.

Page three will be the Location Sketch (Aerial Photo) of the crossing.

